

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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DIRECT REPORT CORPORATION d/b/a )  
SHAREHOLDER.COM, )  
  )  
Plaintiff, )  
v.                                     ) Civil Action No. 04-10535-PBS  
  )  
CCBN.COM, INC., THE THOMSON )  
CORPORATION, JOHN DOES 1 )  
THROUGH 5, AND JANE DOES 1 )  
THROUGH 5, )  
  )  
Defendants. )  
                                       )

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**WITNESS ROBERT ADLER'S MOTION  
TO QUASH OR MODIFY PLAINTIFF'S SUBPOENA**

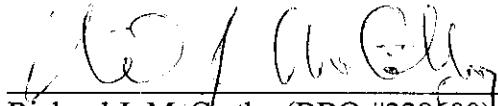
Pursuant to Rule 45(c)(3)(A) of the Federal Rules of Civil Procedure, nonparty witness Robert Adler (“Adler”) moves to quash or modify a subpoena served on him by Plaintiff Direct Report Corporation d/b/a Shareholder.com (“Shareholder”), on the grounds that it fails to allow reasonable time for compliance and subjects Adler to an undue burden. The subpoena, which Shareholder sent to Adler’s counsel after business hours on Monday, December 13, 2004, purported to require Adler to produce responsive documents by Wednesday, December 15, 2004, and appear for a deposition on Monday, December 20, 2004. In support of his Motion, Adler submits the attached Memorandum of Law and Affidavit of Richard J. McCarthy.

WHEREFORE, Adler respectfully requests that this Court quash or modify the subpoena to schedule Adler’s deposition for January 7, 2005, January 11, 2005, or some other mutually convenient date. Additionally, Adler requests sanctions, pursuant to Fed. R. Civ. P. 45(c)(1).

**LOCAL RULE 7.1(a)(2) CERTIFICATION**

The undersigned hereby certifies, pursuant to Local Rule 7.1(a)(2), that counsel for Adler has communicated with counsel for the Plaintiff and attempted in good faith to resolve the issues presented in this Motion to Quash or Modify Plaintiff's Subpoena but was unable to do so.

ROBERT ADLER,  
By his attorneys,

  
Richard J. McCarthy (BBO #328600)

Mark B. Dubnoff (BBO # 637212)

EDWARDS & ANGELL, LLP

101 Federal Street

Boston, MA 02110

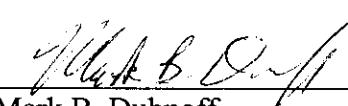
Tel. (617) 439-4444

Fax (617) 439-4170

December 17, 2004

**CERTIFICATE OF SERVICE**

I certify that on this 17th day of December, 2004, I caused a copy of the foregoing to be delivered to John Bennett, Palmer & Dodge LLP, 111 Huntington Avenue at Prudential Center, Boston, MA 02199-7613, and Anthony S. Fiotto, Goodwin Procter LLP, Exchange Place, Boston, MA 02109 by hand.

  
Mark B. Dubnoff